



THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 23 2008 PM 4:10

In re application of:

Franciscus GEERTS

Appl. No. 09/767,496

U.S. Patent No.:

Filed: January 24, 2001

Issued:

For: VEHICLE FOR DETERMINING THE
CLIMATE

Confirmation No. 2695

RECEIVED

Art Unit: 2636

OCT 28 2008

Examiner: Anh V. La

OFFICE OF PETITIONS

Atty. Docket: 04132.0096.PCUS00

AUTHORIZATION TO CHARGE FEES

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment in conjunction with the contemporaneously filed Request for Correction of Entity Status, including any petition fees, to Deposit Account No. 08-3038 referencing Docket No. 04132.0096.PCUS00. If extensions of time under 37 C.F.R. § 1.136 are required to prevent expiration/abandonment of the present patent/application, then such extensions of time are hereby petitioned, and any fees therefore are hereby authorized to be charged to Deposit Account No. 08-3038 referencing Docket no. 04132.0096.PCUS00.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)
 Attorney of Record

Adjustment date: 01/26/2009 CKHLOK
 10/24/2008 DALLEN 00000015 09767496
 02 FC:1464 -130.00 OP
 Repln. Ref: 01/26/2009 CKHLOK 0010351500
 DAH:083038 Name/Number:09767496
 FC: 9204 \$130.00 CR

DM_EU:8848583_1



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**REQUEST FOR CORRECTION OF ENTITY STATUS AND
PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN PAYMENT OF FEES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper and petition is submitted to correct the entity status for the above-referenced patent and its corresponding application and to petition the Office to accept the deficiency in payment of fees corrected hereby, pursuant to 37 C.F.R. §§1.27 and 1.28.

The Assignee of Record recently became aware that its US patent counsel had continued to improperly claim small entity status subsequent to the assignee's loss of this entitlement on January 1, 1994. Thus, all fees paid in this application from January 1, 1994 to present must be adjusted to the full and correct value.

Assignee requests that the Office correct the entity status of the patent and the corresponding application. Assignee further requests that the Office accept and process the deficiency payment submitted herewith in accordance with 37 CFR 1.28(C). The requirements pertaining to calculation of the deficiency owed and itemization of the deficiency payment in accordance with 37 CFR 1.28(C)(2) can be found in Exhibit B.

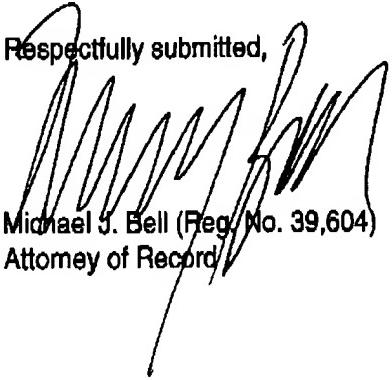
Submitted herewith as Exhibit A is a Revocation of Power of Attorney and New Power of Attorney

Applicant: Karel van den BERG
Appl. No. 09/767,496
Page 2 of 2

and Change of Correspondence Address, together with a Statement Under 37 C.F.R. §3.73(b), signed by *[Signature]* on April 23, 2008, the agent authorized to act on behalf of the Assignee filed in the U.S. Patent and Trademark Office on April 23, 2008, including a copy of the Notice of Acceptance of Power of Attorney mailed May 1, 2008.

Also submitted herewith as Exhibit B is an itemized listing of all fees paid, after January 1, 1994, during prosecution of this application, as Issue Fee payment, as Maintenance Fees, and as any other fees paid. All applicable surcharges are also included therein. This list is believed to be a comprehensive listing of all applicable fees and corresponding deficiencies. The correct fee amounts are calculated for the present date. The total deficiency is calculated at the bottom of the table and a \$130 petition fee in accordance with 37 CFR 1.28(C)(3) and 1.17(i) is added thereto. Payment for the total amount is attached hereto in the form of a check made out to the Commissioner, United States Patent Office.

Respectfully submitted,


Michael J. Bell (Reg. No. 39,604)
Attorney of Record

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: <u>01/09/09</u>		2 Serial/Patent # <u>09/767,496</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
<input type="checkbox"/> Filing			\$
<input type="checkbox"/> Amendment			\$
<input type="checkbox"/> Extension of Time			\$
<input type="checkbox"/> Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/> Petition		PET.OP	10/22/08 \$ 130.00
<input type="checkbox"/> Issue			\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/> Maintenance			\$
<input type="checkbox"/> Assignment			\$
<input type="checkbox"/> Other			\$
		7 TOTAL AMOUNT OF REFUND	\$ <u>130.00</u>
		8 TO BE REFUNDED BY:	
		<input type="checkbox"/> Treasury Check	
<input type="checkbox"/> Overpayment		<input checked="" type="checkbox"/> Credit Deposit A/C #:	
<input type="checkbox"/> Duplicate Payment		9 <u>0 8 -- 3 0 3 8</u>	
<input checked="" type="checkbox"/> No Fee Due (Explanation): PETITION FEE DEEMED UNNECESSARY			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>April M. Wise</u>		TITLE: <u>Petitions Examiner</u>	
SIGNATURE: <u>/APRILMWISE/</u>		PHONE: <u>571-272-1642</u>	
OFFICE: <u>Office of Petitions</u>			
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****			
APPROVED: <u>CKW</u>		DATE: <u>1/26/09</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**

US PTO
OFFICE

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EXHIBIT A

OFC

PTO/SB/02 (01-06)

Approved for use through 12/31/2008, OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	2009027498 PW 4-10
Filing Date	January 24, 2001
First Named Inventor	Franciscus T. GEERTS
Art Unit	2832
Examiner Name	Anh V. La
Attorney Docket Number	04132.0096.PCUS00

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number:

22930

Please change the correspondence address for the above-identified application to:

The address associated with
Customer Number:

22930

OR

<input checked="" type="checkbox"/> Firm or Individual Name	HOWREY LLP				
Address	C/O DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DRIVE BOX 7				
City	FALLS CHURCH	State	VA	Zip	22042
Country	USA				
Telephone	703.663.3600	Email			

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature					
Name	Frans J.A. de Groot				
Date	28 March 2008	Telephone	31.10.59.96.333		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Office

PTO/SB/96 (01-08)

Approved for use through 03/31/2008, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Franciscus T.C. GEERTSApplication No./Patent No.: 09/767,496 Filed/Issue Date: January 24, 2001

Entitled: VEHICLE FOR DETERMINING THE CLIMATE

Lely Research Holding AG, a Limited Liability Corporation
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest
 (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011489, Frame 0782, or for which a copy thereof is attached.

OR

B A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

28 March 2008

Signature		Date
Frans J.A. de Groot		31.10.59.96.333
Printed or Typed Name		Telephone Number
Dutch Representative		
Title		

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

-09 10/05/2008 12:30 PM
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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Assistant COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/767,496	01/24/2001	Franciscus Theodorus Cornelis Geerts	04132.0096.PCUS00 CONFIRMATION NO. 2695

22930
 HOWREY LLP
 C/O IP DOCKETING DEPARTMENT
 2941 FAIRVIEW PARK DR, SUITE 200
 FALLS CHURCH, VA 22042-2924

POA ACCEPTANCE LETTER

OC000000029894389

Date Mailed: 05/01/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/23/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/trwoodson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

EXHIBIT B

REQUEST FOR CORRECTION OF ENTITY STATUS
Itemization of the Deficiency Payment

<i>Application No.</i>	<i>Patient No.</i>	<i>Type of fee Paid as Small Entity</i>	<i>Payment Date of Small entity Fee</i>	<i>Small Entity Fee Actually Paid</i>	<i>Current Fee Amount for Non-Small Entity</i>	<i>Surcharge Fee</i>	<i>Deficiency Amount Owed</i>
09/767,496		Filing Fee	Jan. 26, 2001	\$355	\$850		\$495
		Excess Claims Fee (10 dep.)	Jan. 26, 2001	\$90	\$520		\$430
		Recordal Fee	Jan. 26, 2001	\$40	\$40		0
		Excess Claims Fee (1 dep.)	May 8, 2001	\$9	\$52		\$43
		Excess Claims Fee (2 dep.)	July 17, 2002	\$18	\$104		\$86
		Excess Claims Fee (1 indep.)	July 17, 2002	\$42	\$220		\$178
		Extension of Time (3 mo.)	July 17, 2002	\$460	\$1,110		\$650
		Extension of Time (3 mo.)	April 23, 2003	\$465	\$1,110		\$645
		Notice of Appeal	April 23, 2003	\$160	\$540		\$380
		Filing Fee	March 5, 2008	\$810	Correctly Paid		0
		Petition to Revive -- Unintentional	March 5, 2008	\$1540	Correctly Paid		0
		Extension of Time (5 mo.)	March 5, 2008	\$2230	Correctly Paid		0
Total Deficiency Payment Owed							
Petition Fee for Petition under 37 CFR 1.28(c)							
TOTAL PAYMENT							
\$2,907							
\$3 \$130							
\$3,037							

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